



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

May 1, 2003

BY TELECOPY & REGULAR MAIL

William H. Hyatt, Jr., Esq.
Kirkpatrick & Lockhart LLP
The Legal Center
One Riverfront Plaza Seventh Floor
Newark, New Jersey 07102

Re: Bayonne Barrel & Drum Site, Newark, NJ – Consent to Access

Dear Mr. Hyatt:

I am writing to inform you of certain activities that the Newark Department of Sanitation ("DOS") has been undertaking at the Bayonne Barrel & Drum Site, of which you should be aware in your role as coordinating counsel for the Bayonne Barrel & Drum Participating Parties Group.

In addition, I would like to remind you that the United States Environmental Protection Agency ("EPA") does not currently have Newark's written consent to access to the Site. While I have requested that Newark sign a consent to access form and have discussed this with the Corporation Counsel's office and with Joaquin Matias, I have yet to receive the requested signature. In any event, EPA's form does not secure access for private party representatives, contractors, and agents. Therefore, you may wish to pursue the matter on behalf of the Group.

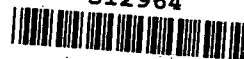
The referenced DOS activities came to light on April 28, 2003, when On Scene Coordinator Joe Cosentino responded to a report that several trailers and a tanker had recently been abandoned at the Site. Upon his arrival at the Site, he found workers from Newark's DOS dismantling the trailers in question. Four trailers and a tanker were present at the Site. A supervisor told Mr. Cosentino that the trailers and tanker had been found abandoned on the streets of Newark, inspected and brought to the Site for dismantling and disposal. The dismantling operations were confined to the paved areas in front of the former offices and next to the waste water treatment area.

Mr. Cosentino observed that the DOS had removed and disposed of several hundred tires previously dumped at the site. He was told that DOS is planning to remove several large piles of

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Page 2

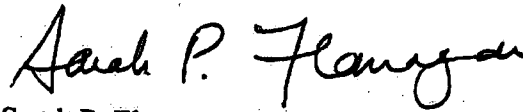
construction/demolition debris. DOS is also attempting to limit entry to the Site with additional cement barriers by the gate.

Mr. Cosentino spoke to the DOS employee managing the work, who indicated that he was aware of the yard area soil contamination. Mr. Cosentino subsequently called the DOS supervisor responsible for the work, and explained that any work performed in the yard, furnace area, or waste water treatment area would raise significant health and safety concerns. He asked DOS to notify him in advance of any additional use of the Site. He also explained that work is likely to begin soon at the Site, including building demolition and related activities, and that the dismantling of abandoned trailers should be discontinued at that time.

EPA expects to follow up shortly with a letter to Newark reiterating our advice with regard to the use of the Site.

Please do not hesitate to call if you have any questions.

Sincerely,



Sarah P. Flanagan
Assistant Regional Counsel

cc: Joseph Cosentino ✓
Mary Storella, Esq.